

Appln No. 10/753,132
Amdt date September 5, 2007
Reply to Office action of August 21, 2006

REMARKS/ARGUMENTS

The above identified patent application has been amended and reconsideration and reexamination are hereby requested.

Claims 1-25 are now pending in the application. Claims 1, 15, 19, and 20-22 have been amended.

Claims Rejections - 35 U.S.C. § 103

The Examiner has rejected Claims 1-3, 9-11, and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. (US 6,825,753) in view of Conley (US 7,044,302) and further in view of Ayala et al. (US 2002/0024418). The Examiner has rejected Claims 4 and 14-16 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. in view of Conley and in view of Ayala et al. and further in view of Ogilby (US 2,126,275). The Examiner has rejected Claim 5 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. in view of Conley and in view of Ayala et al. and further in view of Huff (US 2005/0135068). The Examiner has rejected Claims 6-7 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. in view of Conley and in view of Ayala et al. and in view of Huff and in further view of Cohn et al. (US 4,846,537). The Examiner has rejected Claim 8 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. in view of Conley and in view of Ayala et al. and in further view of Cohn et al. The Examiner has rejected Claims 12-13 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. in view of Conley and in view of Ayala et al. and in further view of Hanifl et al. (US 4,863,057). The Examiner has rejected Claim 19 under 35 U.S.C. § 103(a) as being unpatentable over Cardinale et al. in view of Conley and in view of Ayala et al. and in further view of Bonnice et al. (US 5,016,453). The Examiner has rejected Claims 20-23 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Lim (US 6,510,962) in view of Conley. The Examiner has rejected Claim 24 under 35 U.S.C. § 103(a) as being unpatentable over Lim in view of Conley and in further view of Robinson (US 5,129,536).

The amended Claim 1 includes (underlining added for emphasis) "... programming means for controlling the lock for defining non-overlapping first predetermined time periods of

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accessibility to the container and second predetermined time periods of inaccessibility to the container and denying access to the container without exception during the second predetermined time period." The amended Claim 19 includes (underlining added for emphasis) "... a programmable computer incorporated into the container for controlling the lock, said programmable computer being programmed to accept and store multiple variables and parameters for defining non-overlapping first predetermined time periods of accessibility and second predetermined time periods of non-accessibility, and for denying access without exception during the second predetermined time periods." The Applicant submits that all of the limitations as claimed in Claim 1 are neither taught nor suggested in the references Cardinale et al., Conley, and Ayala et al. alone or in combination. The Applicant submits that all of the limitations as claimed in Claim 19 are neither taught nor suggested in the references Cardinale et al., Conley, Ayala et al., and Bonnice et al. alone or in combination.

Conley, while providing for activating a timer 36 after a patient sequences a door through an open and close cycle (column 5, lines 42-45), does not disclose the above limitation. In Conley, a patient may access the medication dose at any time after the counting sequence expires. Furthermore, the counting sequence does not initiate until after the patient has sequenced the door through an open and close cycle, and therefore the time that a patient may access a medication does is dependent on the time at which the patient sequences a door through an open and close cycle. As such, access is not limited to predetermined time periods. Therefore, Conley does not teach (underlining added for emphasis) "programming means for controlling the lock for defining non-overlapping first predetermined time periods of accessibility to the container and second predetermined time periods of inaccessibility to the container and denying access to the container without exception during the second predetermined time period." In addition, Conley does not teach (underlining added for emphasis) "a programmable computer incorporated into the container for controlling the lock, said programmable computer being programmed to accept and store multiple variables and parameters for defining non-overlapping first predetermined time periods of accessibility and

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second predetermined time periods of non-accessibility, and for denying access without exception during the second predetermined time periods."

Accordingly, the Applicant submits that the references do not teach or suggest all of the claim limitations, and therefore Claim 1 is patentable over Cardinale et al., Conley, and Ayala et al. and Claim 19 is patentable over Cardinale et al., Conley, Ayala et al., and Bonnice et al.

Claims 2-18 are dependent on Claim 1 and therefore include all of the limitations of Claim 1 and additional limitations therein. As such, these claims are believed allowable based upon Claim 1 and the additional limitations.

For example, Claim 13 includes (underlining added for emphasis) "the hinged connection is configured to limit travel of the cover and to allow the force of gravity to consistently return the cover to the closed position." The Applicant submits that all of the limitations as claimed in Claim 13 are neither taught nor suggested in the references Cardinale et al., Conley, Ayala et al., and Hanifl et al. alone or in combination.

Cardinale et al., Conley, Ayala et al., and Hanifl et al. do not disclose "the hinged connection is configured ... to allow the force of gravity to consistently return the cover to the closed position" and therefore a *prima facie* case of obviousness has not been established. Pursuant to MPEP 2143, to establish a *prima facie* case of obviousness, the prior art references must teach or suggest all of the claim limitations. Because the references Cardinale et al., Conley, Ayala et al., and Hanifl et al. do not teach the particular claim limitation, a *prima facie* case of obviousness has not been established.

The amended Claim 20 includes (underlining added for emphasis) "... programming a lockable enclosure to permit the user to unlock the lockable enclosure only during specific first predetermined time periods in a 24-hour period as defined by the user during programming; and denying access to the enclosure without exception during second predetermined time periods to produce acceptance of the disciplined behavior without the need of the programmed enclosure, the first predetermined time periods and the second predetermined time periods being non-overlapping." The Applicant submits that all of the limitations as claimed in Claim 20 are neither taught nor suggested in the references Lim and Conley alone or in combination.

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Lim, while providing for a programmed preset time for activating a pill-storage wheel for providing access to pills (column 7, lines 63-66) and while providing for a mechanism for rotating the pill-storage wheel at preset times for dispensing pills (column 9, lines 51-52), does not disclose the above limitation. In Lim, the pills are accessible until the user pushes button 34 (column 8, lines 45-48) or until the pill-storage wheel again rotates (column 8, lines 36-40). Thus, there is no predetermined time period in which pills are inaccessible. If a user pushes button 34, the inaccessible period starts from the push of the button 34 and is therefore not predetermined, and if the inaccessible period starts when the pill-storage wheel again rotates, another set of pills are available (the pill-wheel rotates when pills are to be made available), and therefore there is no "denying access to the enclosure without exception during second predetermined time periods."

As described above, Conley also does not teach such a limitation. Therefore, Conley and Lim do not teach (underlining added for emphasis) "programming a lockable enclosure to permit the user to unlock the lockable enclosure only during specific first predetermined time periods in a 24-hour period as defined by the user during programming; and denying access to the enclosure without exception during second predetermined time periods to produce acceptance of the disciplined behavior without the need of the programmed enclosure, the first predetermined time periods and the second predetermined time periods being non-overlapping."

Accordingly, the Applicant submits that the references do not teach or suggest all of the claim limitations, and therefore Claim 20 is patentable over Conley and Lim.

Claims 21-25 are dependent on Claim 20 and therefore include all of the limitations of Claim 20 and additional limitations therein. As such, these claims are believed allowable based upon Claim 20 and the additional limitations.

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Therefore, in view of the above amendment and remarks, the Applicant respectfully submits that the claims are patentably distinct over the prior art and that all the rejections to the claims have been overcome. As such, allowance of the above Application is requested. If there are any remaining issues that can be addressed over the telephone, the Examiner is cordially invited to call the Applicant's attorney at the number listed below.

Respectfully submitted,
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